

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                     |   |                     |
|---------------------|---|---------------------|
| JUANITA BYLO,       | ) |                     |
|                     | ) |                     |
| Plaintiff,          | ) |                     |
|                     | ) |                     |
| v.                  | ) | No. 4:13cv2083 SNLJ |
|                     | ) |                     |
| K-MART CORPORATION, | ) |                     |
|                     | ) |                     |
| Defendant.          | ) |                     |

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant K-Mart Corporation's Motion to Compel #10. Plaintiff has failed to respond to defendant's motion, and the deadline for responding has passed.

Defendant states that plaintiff has failed to comply with her discovery obligations in that she has not served her initial disclosures pursuant to Rule 26, which were due on December 10, 2013. Counsel for defendant has attempted to resolve the matter informally, but he has received no response from plaintiff's counsel.

Plaintiff's failure to meet her discovery obligations — and, indeed, her failure to respond at all to this motion — is troubling. The Court will compel the plaintiff to serve her Rule 26 disclosures on defendant. The Court is mindful that Federal Rule of Civil Procedure 41(b) permits a court to dismiss a cause of action with prejudice “for a failure of a plaintiff to prosecute or comply with these rules or any court order.” Dismissal with prejudice is warranted “only in cases of willful disobedience of a court order or where a litigant exhibits a pattern of intentional delay.” *Arnold v. ADT Sec. Servs., Inc.*, 627 F.3d 716, 723 (8th Cir. 2010).


Accordingly,

**IT IS HEREBY ORDERED** that defendant's Motion to Compel, #10, is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff shall serve her Rule 26 disclosures on defendant no later than February 28, 2014.

**IT IS FURTHER ORDERED** that plaintiff shall promptly notify the Court that she has complied with this order. Failure to comply may result in sanctions, including dismissal of this action.

Dated this 21st day of February, 2014.

  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE

